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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/436,725	11/09/1999	WILLIAM G. HARLESS	02389.0006-0	7061

22852 7590 02/04/2004

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
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1300 I STREET, NW  
WASHINGTON, DC 20005

EXAMINER

PHAN, THAI Q

ART UNIT	PAPER NUMBER
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2128

8

DATE MAILED: 02/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/436,725

Applicant(s)  
Harless et al.

Examiner  
Thai Phan

Art Unit  
2128



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Nov 10, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

### DETAILED ACTION

This Office Action is in response to applicants' amendment filed on Nov. 10, 2003.

Claims 1-19 are now pending.

#### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harless, William, US patent no. 5,006,987, in views of Ventura, Diego, US patent no. 6,604,141 B1 and Trower et al, US patent no. 5,983,190.

As per claims 1, 3, 4, 7, 8, 10-13, 15, and 18 Harless discloses a method and system for providing an interactive simulated dialogue with feature limitations substantially similar to the claimed invention. According to Harless, the interactive simulated dialogue system includes a simulated dialogue program, a vocabulary set for selected simulation program, user voice input means, means for generating response to user input voice, output means for outputting an audiovisual representation of a human being speaking the response (Trower for audio/video interactive animation system in which the system would be able to transmit audio/video agent to clients), and means for processing simulated dialogue program as claimed. Harless does not

expressly disclose a network and network connection for system interactive as claimed. Such feature limitation is however known in the art. In fact, Ventura teaches a method and system for processing user input commands in conversational format utilizing a network of computers for user interactive for simulated aspect of audio/video or conversation interaction over the computer network above with meaningful response requested by user (Figs. 1 and 4, "Description of the Related Art", col. 4, lines 53-64, col. 5, lines 31-41, col. 7, lines 5-67, col. 8, lines 48-65).

This reason would motivate practitioner in the art at the time of the invention was made to combine Ventura teaching of emulated interaction of user response in a computer network into Harless interactive simulated dialogue system to simulate user audio and video interactive such that the interactive dialogue would be over the computer network.

As per claim 2, Ventura teaches a plurality of network nodes (col. 5, lines 31-41).

As per claim 5, Harless and Ventura disclose means or agent for processing speech recognition in compatible with simulated dialogue program (col. 1, lines 13-63, col. 9, lines 18-25).

As per claim 6, Harless and Ventura disclose the speech recognition engine. Ventura teaches speech dialog system could be implemented in a computer network for dialogue interactive as claimed.

As per claim 9, Harless and Ventura disclose voice buffer for speech processing.

As per claim 14, Ventura teaches a plurality of user nodes in participation of the process.

As per claims 16, 17, and 19, Ventura teaches a computer network with speech recognition in each node and video interaction, and transmitting video response over the network in the emulated interaction as claimed.

***Response to Arguments***

3. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thai Phan whose telephone number is (703) 305-3812.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)305-3900.

**Any response to this action should be mailed to:**

Commissioner of Patents

P.O. Box 1450

Alexandria, Va 22313-1450

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**or faxed to:**

(703) 872-9306, (for formal communications intended for entry)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington, VA., Sixth Floor (Receptionist).

February 2, 2004

*Thay Phan  
Thai Phan  
Patent Examiner  
AU: 2128*